

ORIGINAL

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, D.C. 20554

In the Matter of

)  
 )  
 Amendment of Section 73.202(b)  
 Table of Allotments  
 FM Broadcast Stations  
 (Hilton Head Island, Hollywood and  
 Port Royal, South Carolina)

) MB Docket No. 02-198  
 ) RM - 10513

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To: Assistant Chief, Audio Division  
 Media Bureau

FEDERAL COMMUNICATIONS COMMISSION  
 OFFICE OF THE SECRETARY

**JOINT COMMENTS**

Apex Broadcasting, Inc. ("Apex"), licensee of Station WJZX(FM), Port Royal, South Carolina, and Monterey Licenses, L.L.C. ("Monterey"), licensee of Station WLOW(FM), Hilton Head Island, South Carolina, by their counsel, hereby submit their Comments to the Notice of Proposed Rule Making ("NPRM") in the above-captioned proceeding, 17 FCC Rcd 14467 (2002). In response to the petition, the NPRM proposes to reallocate FM Channel 259C from Port Royal to Hollywood, South Carolina, as the community's first local aural transmission service and modify the license of Station WJZX(FM) to reflect the change of community. To accommodate this change, the NPRM proposes to reallocate FM Channel 300C2 from Hilton Head Island to Port Royal to retain Port Royal's sole local aural transmission services and modify the license of Station WLOW(FM) to reflect the new community.

Apex and Monterey hereby restate that should the Commission approve the requested reallocation of FM Channel 259C to Hollywood and FM Channel 300C2 to Port Royal, Apex and Monterey will file applications to modify the licenses of WJZX(FM) and WLOW(FM),

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respectively, in compliance with the Commission's spacing rules and construct the authorized facilities.

The Commission specifically requested comment on the public interest benefits of reallocating Channel 300C2 from Hilton Head Island, South Carolina to Port Royal, South Carolina. This reallocation is necessary to avoid the loss of Port Royal's only local service in connection with the reallocation of Channel 259C from Port Royal to Hollywood. The comparison that results is a first local service at Hollywood (priority 3) versus a second local service at Hilton Head Island (priority 4). *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982). The resulting arrangement of allocations furthers the public interest by invoking a higher allocation priority. The Commission has routinely granted petitions such as this involving a replacement service to avoid the loss of a community's only local service. *See, e.g., Lebanon, Ohio, et al.*, 16 FCC Rcd 20323 (2001); *Pana, Taylorville, and Macon, Illinois*, 16 FCC Rcd 12588 (2001); *Dayton, Incline Village, and Reno, Nevada*, 15 FCC Rcd 22461 (2000). Because WLOW(FM) operating on Channel 300C2 can serve Port Royal with no change in facilities, this change can be implemented rapidly with no loss in service to the public.

Accordingly, Apex Broadcasting, Inc. and Monterey Licenses, L.L.C. urge the Commission to grant the petition.

Respectfully submitted,

APEX BROADCASTING, INC.

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September 23, 2002

**CERTIFICATE OF SERVICE**

I, Lisa M. Balzer, a secretary in the law firm of Shook, Hardy and Bacon, do hereby certify that I have on this 23rd day of September, 2002 caused to be mailed by first class mail, postage prepaid, copies of the foregoing "Comments" to the following:

- \* Ms. Victoria McCauley  
Federal Communications Commission  
Mass Media Bureau  
445 12th Street, SW  
Room 2-B450  
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Lisa M. Balzer

- \* Hand Delivered